THE CHARGE OF A TORY PLOT MAINTAIN'D, IN A DIALOGUE BETWEEN THE OBSERVATOR, Heraclitus. AND AN Inferior Clergy-man At the TOWZER-TAVERN.

WHEREIN

The First Discourse publish'd under that Title is Vindicated from the Trifling Animadversions of the *Observator*, and the Accusation justified.

By the same Author.

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TO THE READER.

I *Hope it will not be construed any reflection upon the Church of* England, *that I introduce a Clergy-man into familiarity with* Heraclitus *and* Observator. *For though it is true, A man is known by his company; and therefore such as are chary of their credit, would be very shy of conversing with two such infamous Libellers: Yet the Clergy of the complexion of our Dialogizer, do rather glory in such conversation; And the more sober and truly* Reverend *may do well to correct the* scandalous *Clubbs of our* Coffee-house- *and* Tavern-haunting Parsons, *before they censure my exposing them. If he speak not over-much Reason, that's not* my *fault, but the* Observator's, *whose Echo my* Clergy-man *is. As for the* Observator *himself, he discourses* after his manner, *with little* sence *but great* confidence. *But* Heraclitus *I have engaged* partly *to Act another's Part; which may not be very absurd: for he that can* laugh *and* weep *together, may well enough represent both* Whig *and* Tory *in one Person, doing all by Fits as the fancy takes him.*

The Discourse *is not only levelled against the* Observator's *Animadversions on* **The Tory Plot**, *but against all the Pamphlets of that Nature, that he* has *ever writ, or* shall *write. For he has a certain* Sett *of Arguments that are calculated* Indifferently *for all occasions, that is,* truly *for none*

at all; just as becomes Poor Robin's *Man: the* Master *uttering his* Observations *by Whole-sale once a Year at the proper Season, and his* Man *His by Retail three or four times a Week, or oftner as Customers come in. The truth is, He's every way so contemptible, that no man of sence, that values his* Credit *or his* Hours, *would take any notice of him, if the Faction for want of a better did not make* him *their Champion: and so it may be but honest Policy to take the advantage of Encountring so* Doughty *a Combatant. But the Reader, when he finds* Heraclitus *upbraiding him with betraying their Cause, may deem me too* ungrateful, *thus to vilifie one that has contributed* so much *to my undertaking. For I must confess, he has intimated plainly enough, that he's at my Service to appear as an* Evidence *to prove* A Coy Plot: *But for all that, I shall not court him, but rather advise him to keep on that side he is; for the matter of Fact is so notorious, that there will be but very* small Encouragement *for Witnesses; and every one* must live.

If any one shall yet clamour I have not sufficiently justified the Charge, *I am confident he speaks not his conscience, but designs only to egge me on to press so close on the Heels of Truth, as to have my Brains beat out. But let him set his heart at rest: for 'tis not so hard to distinguish their* feigned *Loyalty and* treacherous *devotion to the* Church, *from that which is* genuine; *but that a man may perfectly delineate the one, without giving one rude touch upon the other. And when it shall be as easie to bring the Plotters to condign punishment as to prove the* Conspiracy, *they shall have no reason to complain of the shortness of the Evidence.*

A

DIALOGUE

BETWEEN

OBSERVATOR,

Heraclitus,

AND AN

INFERIOUR CLERGY-MAN

(At the Towzer Tavern) concerning

The Tory Plot, &c.

Herac. GEntlemen, I hope I do not hinder any buſineſs?

Obſerv. No, no, Sir; we are very glad of ſo good company. For having receiv'd ſome Contribution-money from this Gentleman to day, I only invited him to a glaſs of Wine, to pay him my thanks, and to drink my Benefactors good health.

Inf. Cl. Worthy Sir, your acceptance is ſufficient. But I hope when our deſign is accompliſh'd, your ſervices will be better rewarded, and your merits procure you the *Guidance* of men above my degree.

Herac. Yes o' my conſcience, if ever we are ſo happy as to have a Catholick King, I ſhall not doubt, but to ſee Mr. *L.* Arch-biſhop of *Canterbury*, for he takes more pains than all the Jeſuits put together.

Inf. Cl. That preferment were indeed but ſuitable to his deſerts; but you know he's incapacitated for that by being married.

Herac. Puh! is the Bond of Marriage ſtricter than the Vow of perpetual Virginity? and yet how ordinary is it for his Holineſs to diſpenſe with that? Though in this caſe there will be no need of the Pope's kindneſs; for the Civil Law will ſerve Mr. *L*'s turn, according to which, *Impotency* makes a Nullity. And I'll warrant you his young Wife will be glad enough of a brisker Huſband.

Obſ. Come Sir, you have got ſuch a habit of Raillery, that you exerciſe even upon your Friends; but I know your humour, and cannot be angry.

Herac. Troth Sir, I muſt be merry. But no more of that. Pray Gentlemen, what News?

Obſ. Faith I have hardly any time to liſten after them, theſe Libelling Raſcals find me ſo much work. And there's the *Plaguey* Toy Plot has kept

kept me doing ſo long, that I am I know not how much behind-hand with 'em.

Inf. Cl. Indeed Sir, we are much indebted to you for the pains you have taken with that damn'd Libel; and for the hints you have given us to take off the imputations it caſts on Loyal Proteſtants.

Herac. 'Pox on't, it was too cloſe and ſerious for me to meddle with; and, but that ſomething was to be ſaid, *Obſervator* had e'en as good have let it alone too, as, if you'l give me leave to perſonate a Whig a little, I'le ſhew you.

Obſ. As for the Whigs, they're ſuch dull ſouls, any thing will confute them: and our Friends that are privy to the Plot, know, that nothing can be ſaid to the purpoſe, to take off the ſuſpicion; nor is there much need to palliate the buſineſs any longer, now it is juſt come to perfection. But however Mr. *Whig*, let's ſee what you can ſay againſt my *Obſervations*?

Herac. We underſtand one another, and therefore freedom can be no offence. Have at your *Obſervations* then between Jeſt and Earneſt. In the firſt place (*N.* 130.) you find fault that he calls Addreſſes *needleſs*, (ſeeing they are but repetitions of the Oath of Allegeance) and ſay it is as needful to repeat that Oath as *Sacraments* and *Prayers*. Now you know that Baptiſm is but once adminiſtred, and therefore can be no Inſtance for your turn; and as for the repetition of the Lord's Supper, you of all men ſhould not make uſe of ſuch an Argument, that could neglect

it for ſeventeen or twenty years together, and the *publick* Prayers in like manner; (but for *Cloſet-Prayer* indeed, I can ſay nothing.) So that by your own practice you confeſs Addreſſes needleſs.

Obſ. This is damn'd cloſe! but however I could eaſily anſwer it, if I durſt own going to Prayers to the Queens Chapel, and receiving the Body of Chriſt from my Confeſſor.

Herac. In the ſecond place you are too Bare-fac'd in affirming, That if the matter of a Law be *Controvertible*, the Subject is not to diſpute either the *Authority* of it or his *Obedience.*]

Inf. Cl. Why Sir, this is no more than we have been preaching theſe twenty years.

Herac. Pardon me Sir, if I ſay you miſtake. For I never knew you affirm more, than that a Law can make a thing that is *indifferent* in its own nature, to become neceſſary as to *practice.* But the *Obſervator* extends this to all things *Controvertible*, which comprehends all the Articles of *Faith* owned by the Catholicks and rejected by the Church of *England*, Worſhip of Images, praying for the Dead, *&c.* In a word, whatſoever is *Controverted* betwixt the Catholicks and Hereticks.

Obſ. Well, but you know when I writ that, I perſonated a Proteſtant; and thoſe have condemned ſuch Tenets.

Herac. Ha, ha, he! What, are they therefore no longer *Controvertible?* Why, the Church has as well condemn'd the Proteſtant Tenets; will the Pro-

Proteſtants therefore under a *Popiſh* Government never controvert ſuch Tenets more? I wiſh you could perſuade 'em to't, and then a Catholick Succeſſor would make ſhort work, for, as you ſay, *The King only is the Government.* (*Numb.* 131.) You are likewiſe too open, when you ſay, That you can name at leaſt a dozen Sets of Diſſenters that are more Diabolical Hereticks than the Papiſts.]You know the moſt learned Doctors of the Reformed Religion have alwaies held the Pope to be Anti chriſt, and the Church of *Rome* to be Idolatrous; and the King-killing doctrine is avowed by none but our ſelves.

Obſ. Puh! you would have me write to no purpoſe at all; muſt not I train up my Charge to preferr Popery before Presbytery; and how ſhall I do that, if I do not give the Schiſmaticks a wipe now and then?

Herac. Well, let that paſs. But when you come to ſpeak againſt the Bill of Excluſion, why took you no more pains to prove it unlawful?

Obſ. Why, have I not done it ſufficiently? As to his Precedents, I have told him, (*N* 131) That nothing is therefore *well* done, becauſe it *has* been done; and it is to be *ſuppoſ'd* that none of his Precedents were juſtifiable.

Inf. Cl. Yes, yes, 'tis beſt arguing *ex conceſſis.*

Obſ. And as to the point of *Religion*, I do not read of any Bills of *Excluſion* among the *Primitive Chriſtians.* (*ibid.*)

Herac. Admirable! for it is to be *ſuppoſed*, that the Emperours and Senate of *Rome* were *Primitive Chriſtians.*

Obſ. And then I have prov'd it plainly unlawful by this, That if any Parliament in Chriſtendom ſhall preach any other Doctrine of Obedience to Magiſtrates, than what our Saviour and his Apoſtles have taught us, I am afraid that Parliament, without repentance, will go to the Devil, (*ibid.*)

Herac. I wiſh they ſend no body thither before them. But where lies the Logick of this Argument?

Obſ. Why Sir, you very well *ſuppos'd* for me before, that the Emperour and Senate were primitive Chriſtians; and now give me leave to *ſuppoſe* for my ſelf, that firſt our Saviour, and after him S. *Peter* were Emperours, and the reſt of the Apoſtles the Senate; and we do not find that ever they attempted to exclude *Tiberius* or *Nero* or any other from the Throne becauſe they were Heathens, and thoſe ſure were as bad as Papiſts.

Herac. 'Pſhaw! but part of this *Suppoſition* is too groſs. For our Saviour ſayes, that *his Kingdom was not of this world*: and that he *came not to divide* or diſpoſe *of Inheritances*; which implies, rather than denies, that ſuch whoſe kingdom is of this world, may diſpoſe of Inheritances. But as for S. *Peter* indeed, if we may gueſs at his *power* and *quality* by the Pope's his Succeſſour's, *he* was Univerſal Monarch; and if he had thought it lawful, might not only have excluded an Heathen Succeſſor; but from his plenitude of power, have de-

depoſed the preſent Heathen Poſſeſſor, and given the Crown to a Chriſtian. Which becauſe he did not do, your Argument indeed is very cogent, That no power on Earth can hinder any man from coming to the Crown in his courſe, be he as bad as the Devil.

Obſ. Look you there! now I ſee you conceive me.

Inf. Cl. Yes, and as to the Apoſtles that made up the Senate, you have their opinions plain in their writings: *Submit your ſelves to every ordinance of man——whether it be to the King as ſupreme: Obey them that have the rule over you: Put them in mind to be ſubject to principalities and Powers, to obey Magiſtrates.* And abundance of ſuch like commands we have. All which make it clear, (ſeeing the words are general) that Emperour and Senate, King and Parliament and all muſt obey, ſubmit and give way to the preſumptive heir. For ſeeing diſperſed Jews and the meaneſt of the people are forewarned from rebelling againſt their lawful Soveraigns; it follows, *a fortiori*, that the King and Parliament cannot exclude any man from the Succeſſion.

Herac. Indeed Sir, I think it is rather *a debiliori*: and, upon my ſoul, if the Whigs argu'd at this rate, we ſhould call it perfect Cant, and make ſport enough with it. But however ſuch Arguing may do pretty well out of the pulpit, for it looks like Atheiſm, Schiſm and Irreligion to queſtion or diſpute any thing deliver'd there. Well Mr. *L.* I ſee a word is enough to the wiſe, you need

but

but give the hint, and your Charge have it preſently.

Obſ. Yes, yes, my Obſervations are their Common places, and I muſt leave *them* to improve them into Argument, for I have no time for that, nor does my talent much lye that way. But to go on: In the laſt place I prove the Bill of Excluſion unlawful, becauſe the King, Lords and Commons can no more juſtifie an Unrighteous action than a private man. (ibid.). Now Sir, *ſuppoſing* the Bill *unrighteous*, 'tis plain they cannot paſs it.

Herac. Well then your Argument lies thus:

If the paſſing the Bill of Excluſion be an *unrighteous* action, the King, Lords and Commons cannot paſs it.

But ſuch paſſing is an Unrighteous Action.

Therefore, *&c.*

Obſ. Juſt ſo: for look you, get but the main point in queſtion once granted, and my life for it, you win the cauſe.

Herac. Well, theſe *hypothetical* ſyllogiſms are almoſt as ſerviceable as the Doctrine of *probable* opinions; the firſt to inform the reaſon, the latter to guide the practice. But what now if one ſhould not grant you, that the paſſing of ſuch a Bill were an *Unrighteous* action?

Obſ. If men will not believe the Apoſtles and primitive Chriſtians, I cannot help it. But pray let's hear what *you* can ſay in the caſe.

Herac. Faith I ſhall ſay little in the caſe, ſeeing there's more ſaid already than I ſee well anſwer'd.

But

But this I will add: You'l grant me *the King can do no wrong.*

Obſ. Yes, that I will.

Herac. Then I ſay, I canot ſee how his having the advice and conſent of Lords and Commons ſhould *make him do wrong.* For to me it ſeems indifferent as to that, whether the King do a thing from his own meer motion and ſcience, or by the advice of his Privy Council, or of his Parliament. Now Sir, to do *wrong*, or to do an *unrighteous action*, as you term it, are all one.

Obſ. Hang't, my miſtake was, to bring the King into the Argument; for if I had only ſaid Lords and Commons, I had hit it. But now I think on't, 'tis not the Pope and Council, but the Pope alone, that is infallible; and if I durſt own my ſelf a Papiſt, this would help me to make it out.

Herac. It would ſo, but the neceſſity of your diſſembling that, hinders you from making the beſt of your Argument. However I am ſure you are right in that which you inſtance in, That it would be an unrighteous action for the King, Lords and Commons to put a Man to death for refuſing to ſwallow forty Thouſand Black Bills: For no Power in Heaven or Earth can oblige a man to that which is impoſſible. But then what's this to the Bill of Excluſion; or where lies the parallel?

Obſ. Now I ſee you are dull: *Id poſſums quod jure poſſumus.* The firſt is *naturally* impoſſible, and the latter *morally.* The firſt cannot be done, becauſe it *cannot*; and the latter, becauſe it *ought* not.

Herac. Here are two faults in Logick, first, *transitus a genere ad genus*, and then *petitio principii*. For you first pass from a moral to a natural action, and then you are at your old way of supposing the thing in question. But besides, this is nothing to the purpose; for the dispute was, about what the *King, Lords and Commons* could do; and now you come to what *a man* can or can not do. For I see nothing to the contrary, but the King and Parliament may pass the Bill of Exclusion, though a man cannot swallow 40000 black Bills.

Obs. Come I warrant you would tye me up to the Pedantry of the Schools: I hate insisting too long upon one thing, for that does but confound a man: I love a touch and away.

Herac. Yes Sir, you are excellent at that: And thus you prove notably, That Parliaments are no essential part of the Government, for if that were so, in the Intervalls of Parliament there were no longer a Government. (N. 131) And I'll give you such another, The Common Council are no essential part of the Government of the City, for if that were so, in the Intervalls of Common Councils there would be no longer a Government. Now Sir, this Argument will not down with Citizens, nor yours with any man else. For hey'l be apt to distinguish between the Government, and the administration of it. Now the Government (or more properly the Governours) are the King and Parliament, without whose joynt Authority no Law can be established. But the

put-

putting theſe Laws in execution, or adminiſtration of the Government, that indeed is in the Kings hand, or ſuch as he will commit it to. And till an Order of the King in Council ſhall be as valid as an Act of Parliament, I doubt we ſhall not get it believed that the King alone is the Government. But enough of this. In the next place I do not well like your faſtning the faults of the King's Miniſters upon the King. (*N.* 130.)

Obſ. Why, do you not know the myſtery of that? I have a double end in it: Firſt, to get the Libellers puniſh'd; and then to caſt the odium of all Male-adminiſtration upon the King. For you know well enough we care not what ſcandals and ſuſpicions we draw upon the King, ſo we can but preſerve the Duke's eſteem. And hence I ſay, that the pretended devolution of an *ill* thing done, from the King to his Miniſters, is as ridiculous, as to excuſe a man that commits a ***Murder***, by crying *he was ſet on.* (*ibid.*)

Herac. So then, you will have the King reſponſible both for his own faults, and for theirs alſo that adviſed him to them. This will do the King's buſineſs, I'll warrant him. And yet it may be very ſerviceable Doctrine for a Succeſſour: as thus: All the faults of his Miniſters will lye upon him; and ſeeing he cannot be called to account, the greateſt faults ſhall paſs unpuniſht, and ſo no man will be afraid of ſerving his pleaſure, and then hey for arbitrary Government! However ſince you are the Champion for the *preſent* Government, it ſeeems but a quaint way of maintaining the King's reputation, by devolving thoſe faults up-

on *Him*, that the *Whigs* are content to fasten upon his *Ministers* only: but you have told me of the policy of it, and I am satisfied.

Obs. Well, is there any thing else you can object against?

Herac. How do you make it out that Protestants may not as well exclude a Papist from the Crown, as Papists a Protestant?

Obs. Thus: Either the Papists do *Well* in't, or *Ill*: If the *former*, they are not to be *blam'd*; if the *latter*, they are not to be *imitated*. (*ibid*) And this *Dilemma* I defie any Whig of 'em all to Answer.

Herac. Soft a little. For I think it not hard to make out, though the Papists are to be *blam'd*, yet the Protestants may lawfully do the same thing.

Obs. Pray let's hear you, for methinks that sounds somewhat odd.

Herac. My enemy assaults me and endeavours to Murther me; that's *ill* done in him: I kill him in my own defence; that's *well* or *lawfully* done by me.

Obs. That's true: but how can you apply this to the Case in question?

Herac. Thus: The Papists are the Assailants, who if they can help it, will neither let a Protestant King enjoy his Crown, nor Protestant Subjects their Estates or Lives. Such King and Subjects may therefore *lawfully* unite and combine for their mutual defence and preservation; and make sure of him (or them) whose prevailing is sure to be their overthrow. For if it be lawful for the Subjects to defend the King and Government esta-

blish'd;

bliſh'd; and for the King to ſecure the Eſtates and Lives of his Subjects; I do not ſee how it ſhould be unlawful to diſable or prevent any man from deſtroying them.

Inf. Cl. But we muſt not do *ill* that good may come of it.

Herac. Nor we muſt not do *well* that ill may come of it; if indeed it be doing well, to let one cut my King's, mine own and my Neighbours throat, when I can hinder it.

Inf. Cl. Well, but we ſhould truſt Providence.

Herac. We ſhould truſt providence indeed with a witneſs, if we ſhould believe, it would protect us whether we would or no. 'Tis as bad to *tempt* providence as to *diſtruſt* it. For my part, I think Miracles are too rare now adayes to be depended on; and therefore making uſe of *lawful* means, I do not take to be any diſtruſting of providence: nor does it appear that the means in queſtion are *unlawful*, any further, than *ſuppoſing* them ſo, *makes* them ſo.

Obſ. Now you act the Whig to the life; for, demonſtrate a thing never ſo plainly, they're ſo obſtinate, you ſhall ne'r convince them.

Herac. They're very refractory fellows I muſt confeſs. But have you not ſomething ſomewhere concerning the Bill of Excluſion's reaching the King?

Obſ. Oh yes: 'tis *N.* 131. If the Excluſion ſhould paſs, it would manifeſtly ſhew, that the *Government* were outwitted; for it would reach the *King* as well as the Duke.

Herac. Well, I ſee *the King* and *the Government* are

are ſtill convertible terms with you, ſignifiying one and the ſame thing. But methinks the King is in a fine caſe betwixt *you* and the *Whigs* (for that may ſtand well enough for the Houſe of Commons) For they cry, the King's perſon, *&c.* cannot be ſafe *without* the Excluſion; and you, that he cannot be ſafe *with* it. But why do not you prove your aſſertion, as they have pretended to do theirs?

Obſ. Why, though I do it not in this very place, yet look but in the page before, and I have done it: 'Tis but drawing of one Stone out of the building many times, that brings the whole fabrick upon your head] Juſt ſo, remove but the Duke, and the King cannot ſtand.

Herac. But there's an old rule, That ſimilitudes illuſtrate, but do not prove. And why ſhould not the King ſtand, though the Houſe fall? But now for my part, I think the Whigs ſpeak reaſon; for ſeeing the King is reputed an Heretick by the Catholicks, and when he is removed, they have hopes of a Popiſh Succeſſor, He is apparently in double danger, both as he's taken for an Heretick, and ſo it may be no ſin to murther him; and alſo becauſe in their opinion he keeps a better man from the Crown, and one that has more right to it. And beſides, the Whigs ſtill affirm, (and you *dare* not deny it) that for theſe reaſons there were ſeveral that *actually* undertook the Job, and I know not that their deſigns or principles are yet changed. But I care not for medling with theſe Edge-tools: let's paſs to the power and priviledges of Parliament; tis ſafe enough to ſpeak freely there, for *mortui non mordent.* *Obſ.*

Obſ. As for the *power* of Parliaments, The Houſe of Commons are *as much* ſubjects to the King *joyntly* at *ſeverally* (N. 131.) They are made choice of *by* ſubjects, to repreſent *as* ſubjects. Their Commiſſion is *Temporary*, and *limited* to the *Ends* for which they were *call'd* and *choſen*: And thoſe Ends and *Powers* muſt be circumſcribed by the *Qualifications* and *Capacities* of thoſe that choſe them: for the caſe is the ſame as betwixt a *Truſtee* and his *Principal*. N. 135.

Herac. The ſumm of what you ſay is this, That the Houſe of Commons have no more power, than thoſe that choſe them. Now I am not of your mind: Nor is there any correſpondence between Free-holders and a Houſe of Commons, and a Principal and his Truſtee. For a Principal can both pitch upon the *perſon* and *limit* the *Power* of his Truſtee: but ſo cannot the Free-holders, of their Repreſentatives in Parliament. For though they elect the *Perſons*, yet the *Power* is from the Law; and can neither be enlarged nor abridged by the Electors. You know, no ſubject has power over the Life or Eſtate of his fellow-ſubject: And yet when twelve are elected or nominated by the Sheriff, they have a greater power than the King himſelf in depriving a man of either; which they have not from their *Elector*, but from the *Law*.

Obſ. No, but they have their power from the King, whoſe Miniſter the Sheriff is.

Herac.

Herac. If we ſhould grant that, it would come ſtill to the ſame thing; for the King muſt owe it to the Law, that he can give ſuch a power. For if he had it abſolutely of himſelf, he might himſelf adjudge any man to death that he thinks deſerves it, which you know he cannot do.

Obſ. Well, but what's this to the buſineſs?

Herac. 'Tis only the very ſame caſe. For as the King gives the Sheriff power to nominate the Jurors, who after their Impannelling have a power, which neither he that nominated them gave them, nor themſelves have ſingly and apart: ſo by the ſeveral Writs directed to be proclaim'd by the Sheriffs, Bailiffs, *&c.* the King gives the people a power to Elect Members for Parliament, who being return'd, and aſſembl'd in the Houſe, are by the Law and Conſtitution of the Government inveſted in a power which neither their Electors have, nor themſelves had before they were ſo aſſembled. They have not ſuch a power indeed as Jurors have, but they have a power that is *proper* and *peculiar* to them, A S they are one of the three Eſtates in Parliament.

Obſ. Well, but with all this, what kind of power is this theſe *Commons* have, ſeeing the King is the S O L E Soveraign, and they are only to do *their* part toward the furniſhing of *Materials* for *New Laws* where they are *Defective*? (*N.* 135.)

Herac. The King indeed is a *Monarch*, and that is as much as *ſole* Governour; not *abſolutely*, but in a *limited* ſence and *ſuo modo*. He's ſole Governour

vernour as to the Adminiſtration, not ſole in Legiſlation. For I do not think the Lords and Commons to be only *Labourers* to ſerve up *Materials* to the King to build new *Laws* withal, but (to purſue *your* Metaphor) they are Builders as well as He.

Obſ. How can that be ? for let them *Vote* and *Paſs* their Hearts out, all ſignifies nothing without *Le Roy le veult*, or *Soit fait come il eſt deſire.*

Herac. 'Tis true , the King has a Negative Voice ; but conſider it well, and 'tis no more than what either Houſe have. For let the Commons paſs a Bill, and the Lords can reject it ; and on the contrary ; though the rejecting Houſe know that the King ſo much favour the Bill, that he would moſt certainly paſs it into an Act, if they would but give their conſent to it. So that it is evident the conſent of either Houſe is as neceſſary in order to the making of an Act, as the King's is. And indeed the uſual preface to all Acts evidences this plainly, *viz. Be it Enacted by the King's moſt Excellent Majeſty, by and with the advice and CONSENT of the Lords Spiritual and Temporal, and of the Commons in Parliament Aſſembled, and by the AUTHORITY of the ſame.* Here you have the *Conſent* and *Authority* of the two Houſes linked with the King's. Seeing therefore part of the power of *Making Laws* is in the Commons Aſſembled *in* Parliament, and they have no ſuch power *out* of Parliament, but can then only *Obey* them ; 'tis plain they are not in *all*

reſpects *as much* ſubjects *joyntly* as *ſeverally*, unleſs to *make* Laws and *obey* them be the ſame thing. Nor do I know to what purpoſe you ſhould ſo much inſiſt upon this point, unleſs you intend it as a bait to catch ſome fool with, that would be nibbling at the diſparaging of the King's *Prerogative* : (as you ſpeak in another caſe of the *Plot*, N. 130.)

Obſ. Why, that's the bottom on't, and I hope I ſhall catch ſome or other.

Herac. Well, enough for the *Power*, let's paſs to the *priviledges* of Parliament. What do you think of them?

Obſ. As to the *Power*, *Priviledges*, and *freedom* of Engliſh Parliaments; tell me what *it* is firſt, and what *they* are; and I'll give you my Anſwer. The *four Inns of Court themſelves* are not able to determine what they are (*N.* 132.) I had rather forty times the King ſhould lay me by the heels without ſhewing cauſe for it, than a *Houſe of Commons*; and be a Slave to an *Imperial Prerogative*, than to a *popular priviledge*. N. 135.

Herac. You were once indeed pretty near being laid by the heels; but all the cunning's in catching. But what ſignifies it what *you* had *rather*? I think there is no neceſſity to be made *ſlaves* either to *prerogative* or *priviledge*, which are both uſeful and wholſome enough when they do not exceed their bounds. Now ſeeing neither you nor *your four Inns of Court* can tell what theſe priviledges are, or upon what they are bottom'd, I'll tell you my

my opinion. I think *they* ſtand much upon the ſame terms with *Prerogative*, *part* of which is confirmed by *expreſs Law*, and *part* has no other foundation, but *Preſcription*; (the Kings and Queens of this Realm having exerciſed ſuch a power in ſuch and ſuch caſes, time out of mind:) and this part of the Prerogative I look to be as firm as the other. For preſcription or *Common uſage*, (time out of mind) is *Common Law* in all caſes. Nor is there any reaſon why the Sovereign ſhould not enjoy the benefit of that Maxime as well as the meaneſt ſubject, nor why the Houſe of Commons ſhould not enjoy it as well as either. 'Tis true, both *Prerogative* and *Priviledge* may be ſtrained too far, or ſomething may be *call'd* ſo, that *is* not ſo: but ſhall we therefore deny there are any ſuch things, or turn them into ridicule? It ſignifies little what *you* ſhall deny to be *priviledge*, or *I* to be *prerogative*: for I doubt the King will think himſelf a more competent Judge of the one, and the Parliament of the other.

Obſ. Let them think what they pleaſe, but it does not ſtand with the Conſtitution of this Government to ſuppoſe them to be competent Judges of their own priviledges: For it is an abandoning of the very *eſſentials* of *Church* and *State* to their Mercy. What if they ſhould ſeiſe upon the *Militia*; the King's *Magazins* and *Shipping*; *Levy Arms*, *coin Money*, &c. and tell ye all this is done by *priviledges* of Parliament? It would be no more than what we have ſeen and ſuffer'd already under the ſame pretence. Though I do not ſay

that ſince the *damn'd Apoſtaſie* of *Fourty One*, and the period of that *accurſed Train* of *Rebellions*, we have labour'd under *Many Abuſes* of *that kind*, N. 135.

Herac. Well, this *Fourty one is* θεὸς ἀπὸ μηχανῆς, excellent at a dead lift. 'Tis a *Fac totum*, the Philoſophers ſtone, a *Panaceia*, 'tis good for every thing. Now do not poor I Mr. *Whig* know i'the world what to ſay. But however I am reſolv'd to ſtand to my tackle, and ſee what can be ſaid; and will maintain, that though the Parliament be held to be the ſole competent Judges of their own priviledges, this is neither againſt the conſtitution of the Government, nor do Church and State lye at their mercy for all the *Apoſtaſie* of *Fourty One*. You will grant me that 'tis neceſſary to all Secular Government, that there ſhould be a ſupreme Power, from whence there ſhould be no Appeal; and that in *Abſolute* Monarchies, this is the *Sovereign only*; but in *Limited*, the *higheſt* or *ſupreme Court*.

Obſ. What, I warrant you'l be for Mr. *Prynn's* Sovereign Power of Parliaments?

Herac. No, hold there; I am not for a Parliament's uſurping a Power over the King and invading his Prerogative: I only affirm this, that beyond the High Court of Parliament there lies no Appeal.

Obſ. Well, but Appeals are only made to the Houſe of Lords, which is a Court of Record, and of Judicature; but what's this to the Houſe of Commons?

Herac.

Herac. 'Tis as much, for *my* purpoſe, to the one as to the other. For though they be two Houſes, they are but one Parliament, and have community of priviledges. And originally they were but one Houſe. This, Sir *Edw. Cook*, while he was Speaker of the Houſe of Commons in 35 *Eliz.* has made out for me, "At firſt "we were all one Houſe and ſate together, but "the Commons ſitting in preſence of the King and "amongſt the Nobles diſliked it, and found fault "that they had not free liberty to ſpeak. And "upon this reaſon, that they might ſpeak more "freely, being out of the Royal ſight of the King, "and not amongſt the great Lords ſo far their "Betters, the Houſe was divided and came to ſit "aſunder. A bold and worthy Knight at the "time when this was ſought, (the King deſiring "a reaſon of this their requeſt, and why they "would remove themſelves from their Betters) "anſwered ſhortly, That his Majeſty and the No-"bles being every one a great perſon repreſented "but themſelves; but the Commons though they "were but inferiour men, yet every one of them "repreſented a thouſand of men. And this An-"ſwer was well allowed of. But now though we "be divided in Seat, be we therefore divided "Houſes? No; for if any writ of Error be brought, "as you ſhall ſee a notable Caſe in 22 *E.* 3. this "Writ muſt be returned in Parliament, that is, to "the *whole Houſe*, and chiefly to the Upper Houſe, "for We are but a Limb of the Houſe. Never any "Man ſaw a writ returnable in the Lower Houſe; "———— Yet I ſpeak not this, to take any pri-

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"viledge from this Houſe; for——————it is "certain, whatſoever we do ſitting the Parliament, "it is an Act of the whole Court; for the Lords "without the Commons, and the Commons "without the Lords, can do nothiug.] *vid.* "Journ. of Parl. of Q. *Eliz.* page 515, 516. You ſee here what unity and conſent there is between the two Houſes, ſo that one can have no priviledge, in which the other is not intereſted. Judgments indeed upon Writs of Errour are given by the Lords, but being the Writs are returned in Parliament, the ſentence is *conſtructively* the Commons alſo, unleſs one would be ſo abſurd as to call the *Houſe of Lords* the *Parliament*, as ſome do the *Houſe of Commons*. But to make this plainer yet: You know the Upper Houſe has no Juriſdiction over the Lower, ſo as to take cognizance of any thing tranſacted therein, otherwiſe than by deſiring Conference; and that the Lower Houſe has as well over the Upper: but in both caſes it is improperly called Juriſdiction: for at the Conference, he that can ſhew the plaineſt Precedents or the moſt convincing Arguments, carries the thing in diſpute: or if either ſide be obſtinate, 'tis juſt ſo good and ſo good, the other may take its courſe, proteſt againſt the proceeding, and then ſit down and be quiet.

Obſ. Well, but though the Upper Houſe are no Judges of the priviledges of the Lower, (nor on the contrary) why may not the Judges of the Land determine of theſe Priviledges?

Herac. As for that, the aforeſaid Learned Lawyer

" yer brings you a precedent, " In Parl. 31 *H.* 6. " *Thorpe* was Speaker, and the Parl. being ſum- " moned to be in *June*, it was prorogued until " *September*; in the mean time *Thorpe* was taken in " Execution by the Duke of *York*, he notwithſtand- " ing this thought to have had the priviledge of " the Parliament. At the next ſeſſions, the mat- " ter being greatly conſidered, whether he could " have a priviledge or no, a Conference was had " in the Cauſe with the Judges. The Judges be- " ing required, in humble ſort refuſed, except it " were ſo that the Houſe did command them (for " in the Houſe of Parliament, *ſayes he*, the Chief " Judges and their Judgments are *Controulable* by " the Court) but if the Houſe did Command " them, they would be Willing to inform them " what in their *opinions* they knew and thought.] *Ibid.* Here the Judges were ſo far from *determin-ing* what were the priviledges of Parliament, that without a *Command* they would not ſo much as their *opinion*.

Obſ. Yes, yes, and you have Serjeant *Topham's* Caſe for another Precedent.

Herac. This is but another bait to catch ſome fool with. I only ſhow you the opinion of former times.

Obſ. Come, come, I have been but dodging with you all this time, the King is the Judge of their priviledges.

Herac. The King's *Prerogative* indeed is hard enough for all their *priviledges* put together: And if that be well husbanded and maintain'd, I defie

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all the priviledges of Lords or Commons to do Church or State any harm, though themſelves be ſtill left to be the ſole Judges what *they* are. And this will bring us to your Non-ſuch Argument of *Fourty One.* That the Long Parliament ſhould do all thoſe feats you mention, as *Levying Arms, coining of mony,* &c. under the notion of *priviledge,* I cannot imagine: I much rather believe they did them for *maintenance of* their priviledges, which they *pretended* the King went about to invade.

Obſ. Why, 'tis all one.

Herac. No but 'tis not, unleſs ones *Life,* and the *Means* to *guard* it be the ſame thing. I ſay again, they *pretended* the King went about to invade their priviledges, and therefore they raiſed an Army in the defence of them, and coin'd money to pay the Army.

Obſ. Well, and may not any Parliament *pretend* the ſame Invaſion, and make the like defence as well?

Herac. No, that they cannot; and therefore for ever hereafter leave your bawling out of *forty one,* for before God it is nothing to the purpoſe. (Sir, you know whoſe cauſe I am pleading, and therefore I hope you'l pardon this heat.)

Obſ. Faith, and you act their part to the life.

Herac. You know in *fourty one,* &c. the power of the *Militia* might ſeem ſomewhat a diſputable point; not that I queſtion but that it truly belong'd to the King, but he was not inſta ed in it by

by any *expreſs Law* that I know of, though *preſcription* in my opinion ought to have gone as far on the King's ſide as *expreſs* Law. But to take away any pretenſions of the Parliament for the future, you know that the Parliament *Ann.* 13. and 14. of this King chap. 3. has recogniz'd as it were, or expreſly acknowledg'd, that the power of the *Militia* appertains to the Crown of this Kingdom, ſo that for the future there cannot be the leaſt pretence for any ſuch claim in the Parliament, unleſs the King will conſent to the repealing of that Act, which you may *ſuppoſe* if you will.

Obſ. Well, but this is nothing to the purpoſe; for if, for all this, the Parliament ſhall affirm that the *Militia* belongs to them, and they be the ſole Judges of their own priviledges, the ſame things may be acted over again.

Herac. No, they cannot, for all that. For not to mention the *improbability*, nay moral *impoſſibility* of the Parliaments *pretending* to a power which ſo *recent* and *expreſs* an Act has declar'd to be in the King; yet though they ſhould be ſo groſsly unreaſonable and bare-fac'dly factious, the Kings *prerogative* is able to cope with them. And this Prerogative *Charles* the Firſt gave away when he aſſented to the Act of *Perpetuity*; in paſſing of which if he ſhew'd *little Policy*, they ſhew'd *leſs gratitude* in making ſo bad an uſe of ſo redundant a Grace. But if the King will give away his Prerogative, who can help it? And if He will give the Parliament leave *to ſit as long as*

they pleaſe, he gives away the only Antidote againſt their *pretence* of *priviledge*. For though the King cannot *determine* of their priviledges, ſo as to *ſentence this* to be one, and *that* not: Yet he can do as much as this comes to, he can *prorogue* or *diſſolve* the Parliament whenever he ſees reaſon for it, and that puts an end both to *them* and their *Priviledges*. And this is the *incomparable* Conſtitution of our Government! If it were otherwiſe, there lay a gap open either for arbitrary power on the King's ſide, or for uſurpation on the Parliament's. For if the *King* might *determine* what were the Power and Priviledges of Parliament, we might ſoon have a Parliament of *Paris*; and if *They* might ſit as long as they pleaſe, they would even be the high and mighty States of *Holland*, and the King but a *Stadtholder*, or if you will a *Staff-holder*. But 'tis beſt as 'tis; and ſo long as the King ſhall be ſo *wiſe* as to keep what is his own, and ſo *gracious* as to deſire no more, 'tis impoſſible it ſhould be otherwiſe on one ſide or t'other. And therefore to make a *Cuckow's* ſong of *Fourty one*, may indeed betray ſomething of your own *nature*, but it ſignifies no more to the purpoſe you Chant it, than *baculus in angulo*.

Obſ. Come, Sir, you are *too* ſharp upon me. But the King's well holp up in the mean time: If the Parliament will entrench on the Prerogative, or will not do what He would have them, He can only diſſolve them, and there's all his mends. What's the King the better for being able to prevent their do-

doing any miſchief, if he cannot get them to do what he ſees neceſſary for the maintenance of the Government? [I am for *Parliaments* that are *ſubjects*, as well *together* as *aſunder*: for a Houſe of *Commons* that will do the bus'neſs they were *Call'd* for, and the bus'neſs they were *Sent* for.] *N.* 135.

Herac. Truly, as to their doing what they are *Sent* for, I believe the Whigs will not be much againſt it. But then I doubt, if they do no more, the King would many times come ſhort of Money. For the greater number of the Electors who are they that *ſend* them, do commonly (as moſt other men do) love their money ſo well, that they care not how little of that they part with, nor how *ſaving a bargain* they make for removal of their *grievances*. And as for other things beſides raiſing of Money, I do not believe that any of *us Tories* do much care for their receiving or following the Inſtructions of thoſe that chuſe them, ever ſince the Members that were ſent to *Oxford* were *documented* by their Electors. For if they could have been able to have accompliſh'd what they were *ſent* for, our hopes had been totally ruin'd by the Bill of *Excluſion*. 'Pray therefore let's hear no more of doing what they are *ſent* for. And as for their doing what they are *Call'd* for, I Mr. *Whig* do wiſh with all my heart, that they might alwaies *ſee it reaſonable* to comply with the King's demands, and follow his directions; but yet I would leave Them a *judgement of diſcretion*, to conſult whether ſuch de-

mands are reasonable, and such directions adviseable to be follow'd.

Obs. Well, if *they* be the Judges of that, the *King* is like to be finely serv'd.

Herac. And if they be *not*, Liberty and Property are finely secur'd! For if the King's dictates *must* be follow'd, and he *may* dictate what he please; all *Acts of Parliament* will be but *Orders* of the King in the *Great Council* of the Kingdom; and the like *Orders* in the *Privy Council*, might e'en as well pass for *Acts of Parliament*.

How now Monsieur! why so blank? Well, there's something more than ordinary in these Whigs; for while I have been but personating one, methinks I have spoken more reason than ever I did in my life. But let *Whig* and his *Reasons* both be damn'd; for they have made me as dull as a dog. Come let's have a Brimmer to the *confusion* of all Whigs and their Reasons, for that's the readiest way to confute them. And now am I, *Heraclitus* again, the Merry-weeping Tory. What therefore I shall say from henceforward, take as from a Friend, not an Opponent. And in the first place I wonder at your *imprudence*, that while you undertook to wipe off the suspicion of a Tory-plot, you have rather confirm'd the belief of it. For he that could not be convinc'd of it by that Pamphlet, nor the notoriousness of the thing it self, must needs make no doubt of it when he has read *your Observations*, if he will but do you the honour, to believe you the mouth of

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our Party. Come Sir, the *Whigs* and *Jeſuits* are wiſer in *their* generation than we *Loyal Proteſtants*. Charge *them* with a Plot, and though the thing be as plain as the Noſe on one's face, they'l deny and forſwear it even at the Gallows. But *you* now go about to traverſe the buſineſs, and to juſtifie the crime; nay give matter of new Evidence a-gainſt your ſelf.

Obſ. Why, you know the matter of fact could not be deny'd.

Herac. Then you ſhould have taken no notice of the *charge* at all; and ſo our party could have vapour'd it out, as if you ſlighted it for it's impertinency: but now you have given it a caſt of your Office to *ſo* little purpoſe, you cannot imagine how they are dampt. Pray what does it ſignifie to quibble upon the Title page, to make *Miſopappas* ſignifie *a hater of the King*, when you know it means *a hater of the Pope*, or at worſt *of the Biſhops*, (for a *Pope* and a *Biſhop* are *all one in the* Greek.) *Then*, how weak a juſtification of our arraigning the two *laſt* Parliaments, is it to ſay that the Whigs viliſie the *late* Long Parliament? If *they* do *well* in that, why do you find fault; if *ill*, why do *we* imitate them; nay *ſo far* exceed them? for you ſay, *they* ſcandalize but about *two hundred* of that Parliament, and that for being Penſioners: but *we* Have at all, while we condemn them ſo much for what they Voted *Nemine contradicente*. And *again*, how weak is your allegation of *fourty one*, to prove that theſe Parliaments are guilty of what we accuſe them? If

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those were Rebels, does it follow that others *would* raise such a Rebellion if they *could*, nay or *could* if they *would*? 'Pray remember what I said before, when I was Mr. *Whig*. In the *next* place you are but too injurious to his Majesty, to fasten on *Him* all the Miscarriages and male-administrations of his *Ministers*, as if it were impossible for the King that has so many servants, to have a good opinion of, and commit a trust to, a bad man. Nay and you stretch this so *high*, or rather so *low*, that a fellow cannot reflect on half a dozen Printers Hawkers, but presently you cry, the King is wounded through *their* sides. If you hold on, I believe a man shall not call a Scullion wench of the King's Kitchin, *dirty Slut*, or his Corn-cutter, *pitiful fellow*, but you'l call it *arraigning the Government*. You know 'tis impossible the King should attend all the affairs of State himself, He must necessarily see many things with other folks eyes, and hear them with others ears; and therefore if things be misrepresented to him, he may indeed act otherwise than he would if he were better inform'd: but He is so far from being worthy to be blam'd for such acting, that those that were the evil advisers, ought rather to be doubly punished, *partly* for the thing it self of which *they* are *truly* the Authors, and *much more* for abusing his Majesty by their evil suggestions. But enough of that. Then as to the Bill of *Exclusion*, you know the Author of the *Tory-plot* had taken some pains to prove it lawful, just and necessary; now one would have thought, if you would have med-

meddl'd with it at all, you ſhould have endea-vour'd to prove it unlawful, unjuſt and inconvenient.

Inf. Cl. Why, he has ſuggeſted Arguments enough, That *ſuppoſing* it unlawful, the Parliament cannot paſs it; that there is no other rule of Obedience to Magiſtrates but that given by Chriſt and his Apoſtles; and that the primitive Chriſtians never voted for a Bill of Excluſion.

Herac. Good Mr. Parſon, theſe are only Arguments to perſuade *your Devotioniſts:* As for your *beaux Eſprits*, they are not at all moved at them; and the perverſe Infidel *Whigs* as little as they. But to go on. When we were charged with a deſign of getting Parliaments laid aſide, how do you excuſe us; marry by making the buſineſs much worſe: juſtifying our ſuggeſting to the King that a *Factious Multitude* will make a *Factious Choice*; and therefore he ought to have a care of ſuch a Houſe of *Commons*; there may be danger in't. (N. 131.) Juſt as if you had drawn up the Addreſs from *Devonſhire*, or had taken the hint from thence, who *crave leave to obſerve, that our Corporations and Boroughs, who have ſo great a ſhare in the Government, are now the Nurſeries and Seminaries of Faction, Sedition and Diſloyalty.*

Obſ. Well, and are they not ſo?

Herac. Yes; but truth muſt not be ſpoken at all times. For can you think that ſuch Accuſations are a likely way to perſwade the world, that

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we have an eſteem for Parliaments? or rather do they not confirm any man in the belief of our deſire to caſt them quite off, whiles we inſinuate that both the Electors and Elected are ſo *factious*, *ſeditious* and *diſloyal*? *Then*, what need was there for you to go about to *excuſe* all the Extravagancies of the Addreſſers, as particularly that ſnivelling canting complement from *Richmond*, who tell his Majeſty, that he diſſolv'd the two laſt Parliaments *by the inſpiration of the ſpecial Spirit of God.* You may gueſs what Spirit *they* are inſpir'd with, by *Thompſon's* Intelligence of *May* 13. where you ſee how they refuſe to preſent any *Abhorrence* of the *Aſſociation*; no, damn 'em, not they. How bravely theſe Fellows deſerve your Advocateſhip! And to what purpoſe was it to touch upon that *importune* Eulogie of his Royal Highneſs from *Northumberland*, who call him the Greateſt *Example* of *Duty* and *Obedience* to His Majeſty? Do you think the King has not both *entreated* him and *Commanded* him to continue his preſence at the Chapel, if that would have done?

Obſ. Nay then, if I muſt not keep up the Duke's reputation, I had has good give over writing.

Herac. You do well to keep up the Dukes reputation, but then it muſt be by ſuch Inſtances as are capable of being improv'd to that end; as by commending his conſtancy to his Friends, his valour, and the like: but ſurely you cannot commend every man from every Topick. In the *laſt* place

place, you too *manifeſtly groſly* pervert the meaning and ſcope of the Pamphleteer in ſeveral places.

Obſ. Nay, if Vice correct ſin, we ſhall have bleſſed doings!

Herac. 'Tis true, my talent lies pretty much that way; but then it is when I have to do with a *Brooks*, or the like, that's marcht off the ſtage, and has no body to take up the cudgels for him; in ſuch a caſe indeed I commend it as the only way, and that's the reaſon your *Diſſenter's ſayings* have taken ſo well: But now when you have to do with an Adverſary that's alive, and looks out pretty ſharp, that way will never do.

Obſ. Well, but where have I ſo groſly perverted his meaning?

Herac. I'll give you an Inſtance or two. When he had ſaid, that even *Papiſts* might join in a Proteſtation to defend *the Religion eſtabliſh'd by Law*, believing *Magna Charta* to be the firmeſt Law, and Popery to be eſtabliſh'd thereby; what do you, but inſinuate preſently, that he calls the *Proteſtant Religion*, profeſt at preſent in the Church of *England*, *flat Popery*? than which nothing is more contrary to the drift of his diſcourſe. Thus when he goes about to prove that Kings cannot claim their Crowns by right of *Primogeniture* from *Adam*, from the frequent changes of Government in the ſame Nation, whereby ſuch lineal ſucceſſion is every where interrupted: and in order to prove this a-ks, "In how many Kingdoms "has force and violence and the longeſt ſword ſet-"tled an abſolute Monarchy? how oft has that "yoke been ſhak't off, and the Government "turn'd into a Free State? How many different "Models of both Monarchies and States *Are* there

"at *This* day in the world? and yet, sayes "he, none of them (that I know of) but are, "and ought to be own'd by the Subjects for Law-"ful Governments:] By this you say he justifies *Fourty One*, &c. and all Usurpations whatsoever. Now who can with any colour draw such a consequence from such premisses? He only shows that from the several revolutions of Government that have been in most Nations, the claim by primogeniture lineally from *Adam* is so confounded, that 'tis impossible to make out any Right that way: But does he therefore say that *Charles* the First had by force and violence and the longest sword settled an absolute Monarchy, so that there should be any colour from thence taken to justifie the Usurpation of *fourty one?* The truth is, we that are for King's reigning altogether *jure divino*, are forc't to fly to this right of Primogeniture, seeing only *paternal* Government is *Purely* of *divine* original; all other Governments having a *Mixture* of *humane* policy: But seeing it is impossible to determine who is the eldest of the Family in a right line of succession from *Adam*; if that notion should be relied on, Princes Titles would be so much in the dark and admit of so much dispute, that 'tis safer nay necessary to rely on the establishment by *humame* Law and the sworn Allegeance of the Subjects, though the general precepts of the Scripture, of obedience to *humane ordinances*, do confirm the duty and obedience of Subjects to their respective Rulers, be they Emperours, Kings, States, or of any inferiour kind or denomination. But this only betwixt you and me.———But there is one thing I had like to have forgot, the greatest *subtilty* in all your

your Obſervations, and that is *N.* 132. Where by ſevering the *Succeſſor* from the *Papiſt* you will have the Addreſſers *tranſport of joy*, that the Bill of *Excluſion* did not paſs, to proceed only out of reſpect to the former. Now Sir if you could diſtinguiſh the *Popiſh Succeſſor*, or *Succeſſor* and *Papiſt* into two *Perſons*, as you have done into two *notions*, you would do ſomething; but otherwiſe your *Quatenus* is ſomewhat like that of the Biſhop's, who being found fault with by a Countreyman for living too pompous and luxurious a life, ſo unſuitable to his office, anſwered, That he lived not ſo AS he was a Biſhop, but AS he was a ſecular Prince: to whom the Fellow repli'd, But I doubt if the Prince go to the Devil, the Biſhop will not ſtay far behind.] And 'tis believed the *Papiſt* will be aſſoon in the throne as the *Succeſſor*. And therefore that *nicety* had as good alſo been omitted.

Obſ. Well, but there is one point I have handl'd to purpoſe, (both *N.* 132. and 135.) that to imagin the death of the *Preſumptive heir*, is *Treaſon*.

Herac. Truly Sir, you ſeem not *over*-confident of what you have done as to that, for you ſay you will not believer it for *Law as a Lawyer*, but ſhould be glad to be better informed. (*ibid.*) Now Sir, you have been told already, that my Lord *Cook* delivers it for *Law as a Lawyer* (though *you* will *not* the contrary) that a *Collateral Heir* is *not* within the Stat of 25 *E.* 3. that makes the imagining the death of the King's *eldeſt Son and Heir* to be Treaſon. But methinks you are like ſome Philoſophers, that undertake to ſolve *Phænomena*, that never were in Nature. Before you had taken ſuch pains to prove the *preſumptive Heir* to

ſtand

ſtand upon equal ground with the *King's Son and Heir*, ſo as to make that which is Treaſon to the one, to be ſo to the other; I ſay you would have done well to have firſt made it out, that *his death was imagin'd.* For I do not find, by any Overt Act, that your Adverſary has imagin'd any ſuch thing.

Obſ. Why, has he not call'd him *Traytor*, and proteſted *He ſhall not Reign over* him?

Herac. Not that I know not of. He calls ſuch an one indeed a *Traytor*, as ſhall *murder* the King or force him to *reſign*, and I think he does not call him out of his name: but 'tis *you* that interpret this of the *preſumptive Heir*; which if one ſhould *ſuppoſe* to be his true meaning, yet would not his proteſtation, that ſuch an one *ſhall not reign over Him*, be an imagining his death; for 'twere but for him and his thouſands he talks of, to ſlip over into *Holland*, &c. and the Proteſt were made good.

Obſ. Well, I think I have not ſaid one word but what you have found fault with? what would you have me do? write nothing, and ſtarve?

Herac. No, but keep to your province of tranſlating *Eraſmus's* Colloquies, *Quevedo's* Viſions or French Romances: theſe will hold you doing, and keep life and ſoul together. And then if you do us no good, you'l do us no harm. And for my own part I'm half in mind to give over alſo; for *Ben. Took's* fifteen ſhillings a Week is but poor wages, and the Rogue thinks he gives too much too.

Inf. Cl. Good Gentlemen, be not diſcourag'd, for I can aſſure you, your Works are in great eſteem amongſt *us*: We ſhould not know what courſe to Steer, if we were not guided by *you.* But come, 'pray let us adjourn to *Sam's*, I believe the Houſe begins to fill by this time.

Obſ. Herac. I, come let's go.

F I N I S.

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